



NATIONAL MEAT ASSOCIATION®

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To Bill
Sessions

March 31, 2003

Chief, Standardization Branch
Livestock & Seed Program
Agricultural Marketing Service
United States Department of Agriculture
Rm. 2603-S, Stop 0254
1400 Independence Ave. SW
Washington, DC 20250-0254

- Re: *Federal Register* December 30, 2002
Notice & Request for Comments

Dear Chief:

National Meat Association, representing meat packers and processors in the United States, is pleased to respond to the reference Notice.

The standards for livestock and meat marketing claims, under the oversight of the USDA/AMS Standardization Branch, have provided an increasingly valuable marketing opportunity during the past fifteen years. Third party verification of claims that distinguish a meat or livestock product is an important attribute, especially for smaller firms that do not have volume to command market power. Because of the growth in the availability of this voluntary program, which is paid for through the assessment of fees for the verification, it is important that the basic requirements be known as a matter of public record. We commend the agency for moving forward to publish the requirements in this way.

Many of the members of National Meat Association participate in the Standardization program. We support the following Claims as proposed:

- Antibiotic Claims and Standard.
- Breed Claims
- Free Range Claims and Standard
- Geographic Location Claims and Standard
- Grain Fed Claims and Standard
- Grass Fed Claims & Standard
- Hormone Claims & Standard
- Livestock Identification Claims and Standard
- Preconditioning Claims and Standard
- Claims Relating to Product Characteristics and Standard
- Tenderness Claims and Standard

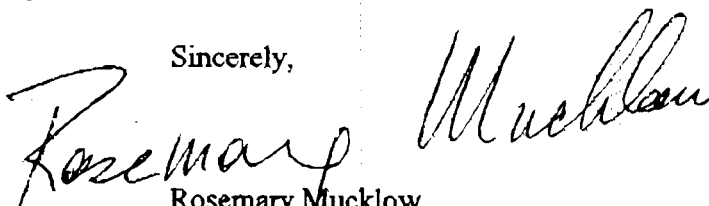
Quite often, meat product claims will rely on the application of grading standards that are separately codified, and this too is acceptable. Further, if a finished product, such as ground beef, contains several different grades and makes a grading claim, then it would be important to identify that it includes the minimum grade level or higher. However, if the marketer chooses not to make a grade claim for the product, relying only, for instance, on a grass-fed claim, then there would not be a requirement to label the minimum grade level.

AMS is to be commended for providing more information about the process to make claims. Quite frankly, it is important that the standard for any such marketing claims be truthful, and that the standard set in *Rubin v. Coors Brewing Company* decided by the United States Supreme Court on April 19, 1995 which affirms the right to commercial speech by the First Amendment be the standard. We quote from Justice Stevens' concurrence in that Opinion:

"In my opinion, the 'commercial speech doctrine' is unsuited to this case, because the Federal Alcohol Administration Act (FAAA) neither prevents misleading speech nor protects consumers from the dangers of incomplete information. A truthful statement about the alcohol content of malt beverages would receive full First Amendment protection in any other context; without some justification tailored to the special character of commercial speech, the Government should not be able to suppress the same truthful speech merely because it happens to appear on the label of a product for sale."

Thank you for the opportunity to present these comments.

Sincerely,


Rosemary Mucklow
Executive Director

Enclosure